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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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11 LUIS CALDERON, an individual,

12 Plaintiff,

13 vs.

14 USAA CASUALTY INSURANCE  
COMPANY, a Foreign Corporation; DOES 1-  
15 10 AND ROE ENTITIES 11-20,  
INCLUSIVE,

16 Defendants.  
17

CASE NO.: 2:20-cv-1049-JCM-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[SECOND REQUEST]**

18 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of  
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by  
20 sixty (60) days, up to and including Friday, July 16, 2021. In addition, the parties request that all  
21 other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended  
22 pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

- 23 1. On March 19, 2020, Plaintiff filed his Complaint in the District Court, Clark  
24 County.
- 25 2. On April 24, 2020 Plaintiff filed his First Amended Complaint in District Court,  
26 Clark County.
- 27 3. On June 12, 2020, Defendant removed the case to the United States District Court.
- 28 4. On June 19, 2020, Defendant filed its Answer to Complaint.

5. On August 17, 2020 the parties conducted an initial FRCP 26(f) conference
6. On August 31, 2020, the Court entered the Stipulated Discovery Order.
7. On September 9, 2020, Plaintiff served his FRCP 26 Initial Disclosures on Defendant.
8. On September 17, 2020, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
9. On November 3, 2020, Defendant served written discovery on Plaintiff. Plaintiff served his responses on December 7, 2020.
10. On December 7, 2020, Plaintiff served his First Supplement to Initial Disclosures on Defendant.
11. On January 21, 2021, Plaintiff served written discovery on Defendant. Defendant's responses are due on March 9, 2021.
12. On January 21, 2021, Plaintiff served his Second Supplement to Initial Disclosures on Defendant.

**DISCOVERY REMAINING**

1. The parties will continue participating in written discovery.
2. Defendant will take the deposition of Plaintiff.
3. Defendant will gather records/documents pertinent to Plaintiff's claim.
4. The parties may take the depositions of any and all other witnesses garnered through discovery.
5. The parties will retain and disclose initial and rebuttal experts.
6. The parties will depose the respective expert witnesses.
7. The BMW involved in the loss which occurred in Mexico, is in the process of being repatriated from Mexico and will be transported to a storage/impound yard in San Diego, CA. Accordingly, the parties may schedule a joint inspection of the vehicle in California.

**WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

The parties aver, pursuant to Local Rule 26-4, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery.

First, the subject vehicle is in the process of being repatriated to the United States and will be contained in a storage/impound yard in San Diego. The parties need additional time in which to arrange an inspection of the vehicle, and arrange travel to the out of state storage facility, consistent with applicable COVID-19 restrictions. This may impact expert designations or other related discovery not previously anticipated. Thus, additional time is necessary to ensure the parties can complete an inspection of the subject vehicle.

Second, the ongoing impact on discovery by the current COVID-19 crisis continues to constrain the parties' ability to complete discovery. Local, state, and national officials continue to warn that travel should be limited and/or avoided at this time to prevent further spread of the virus. Defendants and their counsel are practicing physical distancing and are working remotely. Due to these unexpected and rapidly changing circumstances, an extension of the close of discovery deadline is necessary so the parties may fully develop their respective cases in chief.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-4.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

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Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, May 17, 2021</i>	<i>Friday, July 16, 2021</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Wednesday, March 16, 2021</i>	<i>Monday, May 17, 2021</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, April 14, 2021</i>	<i>Monday, June 16, 2021</i>
Dispositive Motions	<i>Wednesday, June 15, 2021</i>	<i>Monday, August 16, 2021</i>
Joint Pretrial Order	<i>Friday, July 14, 2021</i>	<i>Wednesday, September 15, 2021</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of May 17, 2021, up to and including July 16, 2021, and the other dates as outlined in accordance with the table above.

Dated this 23<sup>rd</sup> day of February, 2021.

Dated this 23<sup>rd</sup> day of February, 2021.

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### **ORDER**

IT IS SO ORDERED.

Dated February 25, 2021.

UNITED STATES MAGISTRATE JUDGE